

**TRUSTEES OF THE AUTOMOBILE  
MECHANICS INDUSTRY WELFARE  
AND PENSION FUND OF THE  
AUTOMOBILE AND AEROSPACE  
WORKERS AFL-CIO, LOCAL 701,**

**V.**

## Defendants.

**Magistrate Geraldine Soat Brown**

Plaintiffs, the TRUSTEES OF THE AUTOMOBILE MECHANICS  
INDUSTRY WELFARE AND PENSION FUNDS OF THE AUTOMOBILE  
AND AEROSPACE WORKERS AFL-CIO, LOCAL 701, by and through their  
attorneys, L. STEVEN PLATT and ARNOLD and KADJAN, move as follows:

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4. The company is also in default as they never filed a responsive pleading in this case nor did they retain anyone to file an appearance on their behalf.

5. Therefore, plaintiffs move for an order of default against the company defendant, A & J Motors, Inc., instanter.

6. The plaintiffs move for a judgment in a sum certain against defendants JILL BAYNER, ALBERT BAYNER and A & J MOTORS in the amount of \$315,393.52 as pled in the complaint.

7. This amount is based on the fact that the defendants created false eligibility for health insurance benefits, reporting that they were a viable business and were working when in fact they were not, just so they could buy health insurance from the fringe benefit funds that the owners were not eligible for and were not entitled to.

8. As pled in the complaint over the course of time they ran up in excess of \$315,393.52 in paid medical claims that they were not entitled to thus defrauding the plaintiff funds.

9. Per the affidavit attached, they owe the plaintiff funds that amount plus a 20% penalty and attorney's fees pursuant to ERISA, 29 U.S.C. § 1132(g).

WHEREFORE, plaintiffs ask for judgment against the defendants A & J MOTORS INC., ALBERT BAYNER and JILL BAYNER in the amount of \$315,393.52 plus 20% in penalties per ERISA and seek leave to file a petition for attorney's fees per the draft order submitted to this court.

**Respectfully Submitted  
TRUSTEES OF THE  
AUTOMOBILE MECHANICS et  
al.**

**By: /s/ L. Steven Platt**

**L. Steven Platt  
ARNOLD and KADJAN  
19 W. Jackson 3<sup>rd</sup> Flr.  
Chicago IL 60604  
(312) 236-0415  
(312) 341-0438 – fax  
[lsplatt@arnoldandkadjan.com](mailto:lsplatt@arnoldandkadjan.com)**

